

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Charles E. Glenn

v.

Civil No. 06-cv-99-JD

Hillsborough County Department
of Corrections, et al.

O R D E R

Charles Glenn, proceeding pro se and in forma pauperis, brought a civil rights case against the Hillsborough County Department of Corrections and individual officers at the jail. Following preliminary review of the complaint, on October 3, 2006, the magistrate judge ordered service to be made on the defendants, including Captain Dempsey, who was an officer at HCDOC while Glenn was detained there, along with other defendants. The summons was addressed to Dempsey at Hillsborough County Department of Corrections, 445 Willow Street, Manchester.

The process receipt and return filed by the Marshals Service on November 3, 2006, as unexecuted. On November 9, 2006, the magistrate ordered Glenn to provide a current address for Dempsey to permit service to be made. Glenn has been represented by counsel since January 11, 2007. No return of service was ever filed for Dempsey, and he did not respond to the complaint.

Under Federal Rule of Civil Procedure 4(m), a plaintiff has

120 days after the complaint is filed to serve the defendants. When a plaintiff fails to make service within the time allowed, the court must dismiss the action against the unserved defendant after notice to the plaintiff, unless the plaintiff shows good cause for the failure to serve. Id.

THEREFORE, this order serves as notice to Glenn that his claims against Dempsey will be dismissed without prejudice unless he shows good cause for his failure to make service on Captain Dempsey on or before June 4, 2008.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

May 29, 2008

cc: Heidi A. Bean, Esquire
John A. Curran, Esquire
Harold J. Friedman, Esquire
Elizabeth L. Hurley, Esquire
Michael J. Sheehan, Esquire